

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE TAKE-TWO INTERACTIVE)	No. 1:06-cv-00803-RJS
SECURITIES LITIGATION)	ECF Case
)	

**AFFIDAVIT OF STACEY B. FISHBEIN REGARDING NOTICE IMPLEMENTATION
AND REQUESTS FOR EXCLUSIONS**

I, Stacey B. Fishbein, Esq., being duly sworn, affirm as follows:

1. I am the Senior Executive National Accounts with A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"). Pursuant to the Court's Order, dated June 29, 2010, preliminary approving the settlement of the above-captioned litigation (the "Settlement") and providing for notice to the Class and Securities and Exchange Commission ("SEC") claimants, A.B. Data was authorized to act as the Claims Administrator in connection with the Settlement. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I submit this Affidavit in order to provide the Court and the parties to the above-captioned litigation with information regarding: (a) the Notice of Proposed Settlement of Class Action, Application for Attorneys' Fees and Expenses and Fairness Hearing and Notice of Availability of Funds Recovered by the Securities and Exchange Commission (the "Notice") and the Proof of Claim and Release form (the "Proof of Claim"); and (b) the receipt of requests for exclusions.

(A) NOTICE IMPLEMENTATION

3. A.B. Data was responsible for disseminating the Notice and the Proof of Claim to potential Class Members. True and correct copies of the Notice and the Proof of Claim are

attached hereto as Exhibit A. The Notice and Proof of Claim (collectively referred to hereafter as the “Notice Packet”) were substantially in the forms approved by the Court in the Order.

4. On or about July 8, 2010, A.B. Data received an electronic file obtained from American Stock Transfer & Trust Company LLC. The file contained a list of 807 names and addresses of individuals and entities that purchased Take-Two Interactive Software, Inc. (“Take-Two”) common stock between February 6, 1998 through July 10, 2006, inclusive. A.B. Data entered these names and addresses into a database created specifically for this Settlement. Thereafter, A.B. Data caused these names and addresses to be pre-printed directly onto the Notice Packets and delivered them to the United States Postal Service (“USPS”), via first-class mail, on July 22, 2010.

5. As in most securities class actions, the large majority of the Class Members are beneficial purchasers of Take-Two common stock who are not known to the parties to the action. Most securities are held in “street name” – *i.e.* the security is purchased by banks, brokers and other third-party nominees in the name of the nominee, on behalf of the beneficial purchaser. As part of its normal mailing procedures, on July 16, 2010, A.B. Data sent Notice Packets and cover letters to a list of 6,047 banks, brokers, and other nominees (“Nominee Holders”) that commonly hold securities in “street name” as nominees for the benefit of their customers who are the beneficial owners of the securities. These Nominee Holders are included in a proprietary database created and maintained by A.B. Data. In our experience, the institutions included in this initial mailing serve as nominees for a significant majority of the beneficial holders of securities. The cover letter advised the Nominee Holders of the pending action and requested

their cooperation in forwarding the Notice Packets to potential Class Members. A copy of the cover letter sent to Nominee Holders in this case is attached hereto as Exhibit B.¹

6. In total, A.B. Data initially delivered 6,854 Notice Packets (807 to the individuals and entities who directly purchased Take-Two's common stock between February 6, 1998 through July 10, 2006, inclusive, and 6,047 to banks, brokers, and other nominees on the proprietary list of Nominee Holders).

7. As of September 10, 2010, A.B. Data received an additional 131,825 names and addresses of potential Class Members from individuals or from Nominee Holders requesting that Notice Packets be mailed to these potential Class Members. In addition, A.B. Data received bulk requests from Nominee Holders for 31,442 Notice Packets to forward to their customers. All such fulfillment requests were complied with in a timely manner.

8. As of September 10, 2010, A.B. Data mailed a total of 171,437 Notice Packets (including 1,316 Notice Packets that were re-mailed to updated addresses provided to A.B. Data by the USPS) to potential Class Members and nominees.

9. A.B. Data established a case-specific toll-free number, 800-332-7414, with an IVR system and live operators to accommodate potential Class Members. The automated attendant answers the calls and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option to be transferred to a live operator during business hours. This toll-free number became operational on July 16, 2010.

¹ An electronic version of the cover letter to Nominee Holders, along with an electronic copy of the Notice Packet, was sent to 1,471 of the Nominee Holders on the proprietary list. Electronic notification is only sent to those banks, brokers, and other nominees on the proprietary list that have opted to receive an email version of the Notice Packet in addition to a copy sent by first-class mail, postage paid. Electronic notification is not a substitute for the mailed Notice Packet, but rather, it is a supplemental notification sent for the convenience of the recipient upon its request.

10. On July 16, 2010, A.B. Data also posted copies of the Stipulation and Agreement of Settlement, the Notice, the Proof of Claim, and the Order on a case-specific website for the Take-Two Securities Settlement at www.take-twosecuritiessettlement.com in addition to the case page on our firm website at www.abdataclassaction.com.

11. In accordance with the Order, on July 26, 2010, A.B. Data caused the publication of the Summary Notice of Proposed Settlement and Settlement Hearing once in the national edition of *The Wall Street Journal*. Certification of publication is attached hereto as Exhibit C.

(B) REQUESTS FOR EXCLUSION RECEIVED

12. The answer to question 15 of the Notice informed Class Members that written requests for exclusion from the Class were to be mailed by first class mail, postmarked no later than September 21, 2010 addressed to Take-Two Interactive Securities Litigation, Claims Administrator, Exclusions, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8042. A.B. Data has monitored all mail that has been delivered to this Post Office Box. As of September 10, 2010, A.B. Data has not received any requests for exclusion from the Class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of September 2010.



Stacey B. Fishbein, Esq.

SUBSCRIBED and SWORN before me this 14th day of September 2010.



Myra Banks
Notary Public
My commission expires 5/4/14

